IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 384 OF 1987

Uttam Hemandas Hingorani... ... Plaintiff.

Versus

Hemant Shivram Devplod.... ... Defendant.

Mr. B. S. Chandnani for the Plaintiff.

None for the Defendant.

CORAM : D. G. KARNIK, J.

DATED : 30TH JUNE, 2006.

P.C.:

Heard learned Counsel for the Plaintiff. None present for the Defendant. Defendant has also not filed his written statement.

2. Learned Counsel for the Plaintiff submits that the suit is a simple money suit for recovery of money and in the absence of the written statement suit be decreed under Order 8 Rule 10 of the Code of Civil Procedure.

3. As the written statement has not been filed by the

Defendants, the averments made in the plaint are deemed to be admitted and the Plaintiff is entitled to a decree under Order 8 Rule 5(2) read with Order 8 Rule 10 of the Code of Civil Procedure. Accordingly, the suit of the Plaintiff is decreed in terms of the prayer clause.

Sd/-

(D. G. KARNIK, J.)